

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Hofmeister et al.

Docket No.

15436.253.66.1

Application No.

10/695,342

Filing Date

October 28, 2003

Examiner

Dung T. Nguyen

Customer No.

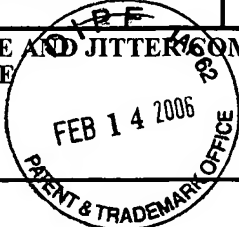
022913

Group Art Unit

2828

Invention:

TEMPERATURE AND JITTER COMPENSATION CONTROLLER CIRCUIT AND METHOD FOR FIBER OPTICS DEVICE



I hereby certify that the following correspondence:

Response to Election of Species Requirement (2 pgs); Transmittal Letter (1 pg in duplicate); and postcard

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EV 758364927 US

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**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

 Docket No.  
 15436.253.66.1

 In Re Application Of **Hofmeister et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/695,342	October 28, 2003	Dung T. Nguyen	022913	2828	5604

**Title: TEMPERATURE AND JITTER COMPENSATION CONTROLLER CIRCUIT AND METHOD FOR FIBER OPTICS DEVICE**
COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Response to Election of Species Requirement (2 pgs); Certificate of Mailing by "Express Mail" and postcard**

in the above identified application.

- ☒ No additional fee is required.  
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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**
  
 Signature

 Dated: February 14, 2006

 Peter F. Malen, Jr.  
 Attorney for Applicants  
 Reg. No. 45,576  
 Telephone No. 801-533-9800

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CC:



EXPRESS MAIL LABEL NO: EV 758364927 US

PATENT APPLICATION  
Docket No. 15436.253.66.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hofmeister et al.

Serial No.:

10/695,342

) Art Unit  
) 2828

Filed:

October 28, 2003

For:

TEMPERATURE AND JITTER  
COMPENSATION CONTROLLER  
CIRCUIT AND METHOD FOR FIBER  
OPTICS DEVICE

Confirmation No.:

5604

Customer No.:

022913

Examiner:

Dung T. Nguyen

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

**MAIL STOP: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed January 20, 2006 (the "Office Action"), the Examiner set forth an Election of Species Requirement that identified what the Examiner has characterized as two (2) patentably distinct species of the claimed invention. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following species:

- I. Claims 22-33, an optical signal analyzer configured and arranged to communicate with an optoelectronic transceiver that is thermally coupled with the temperature control device; and
- II. Claims 34-37, a ROSA test data stream source configured for communication with the photodiode.

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects Species I (claims 22-33) for examination, without traverse.

Applicant notes that while the election set forth herein is made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicant as to the merits, if any, of: the characterization of the claims and species advanced by the Examiner in the election of species requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that election of species requirement.

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested. In the event that the Examiner wishes to discuss any of the matters contemplated hereby, the Examiner is invited to initiate a telephone conversation with the undersigned.

Dated this 14<sup>th</sup> day of February 2006.

Respectfully submitted,



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PFM/gm  
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